

**Draft Minutes**  
**Scientific Advisory Committee Meeting**  
**May 8, 2012**

**Department of Forensic Science, Central Laboratory, Classroom 1**

**Committee Members Present**

Jose R. Almirall, Ph.D.  
John M. Butler, Ph.D.  
Jo Ann Given, Chair  
Pete Marone  
Richard Meyers  
John Planz, Ph.D.  
Alphonse Poklis, Ph.D.  
Thomas L. G. Price  
Carl Sobieralski  
Jami J. St. Clair  
Kenneth Zercie

**Committee Members Absent**

D. Christian Hassell, Ph.D.

**Staff Members Present**

Wanda Adkins, Office Manager  
Stephen Atkinson, Section Supervisor, Central Laboratory Firearms and Toolmarks  
Jeffrey Ban, Central Laboratory Director  
David Barron, Ph.D., Technical Services Director  
Ann Davis, Special Projects Consultant  
Leslie Ellis, Human Resources Director  
Susan Greenspoon, Forensic Molecular Biologist  
John Griffin, Northern Laboratory Director  
Linda Jackson, Chemistry Program Manager  
Gail Jaspen, Chief Deputy Director  
Bradford Jenkins, Biology Program Manager  
Alka Lohmann, Training and Calibration Program Manager  
Stephanie Merritt, Department Counsel  
Steven Sigel, Deputy Director  
Robert Scanlon, Forensic Science Group Supervisor, Central Laboratory Forensic Biology  
Lisa Schiermeier-Wood, Section Supervisor, Central Laboratory Forensic Biology  
Carisa Studer, Legal Assistant

**Call to Order**

Chairman Given called the meeting of the Scientific Advisory Committee ("Committee") to order at 9:00 a.m.

### **Adoption of Agenda**

Chairman Given asked if there were any additions or changes to the draft agenda for the meeting. Being none, Mr. Marone moved to adopt the agenda, which was seconded by Mr. Zercie and adopted by unanimous vote of the Committee.

### **Adoption of Minutes**

Chairman Given asked if there were any changes or corrections to the draft minutes from the October 11, 2011 meeting. Being none, Mr. Zercie moved to adopt the minutes of the October 11, 2011 meeting, which was seconded by Dr. Butler and adopted by unanimous vote of the Committee.

### **Chair's Report**

Chairman Given welcomed the Committee members and had all members re-introduce themselves. Chairman Given did not have a report to present.

### **DFS Director's Report**

Regarding facilities, Director Pete Marone described the laboratory space renovations in each of the Department's regional laboratories. The Central Laboratory's administration section has completed its move from the second floor to the first floor. The second floor has been expanded for office space. The Eastern Laboratory is continuing construction on expansion. The administration and latent prints section have moved to the fourth floor. The Western Laboratory is in the planning stage for expansion. The Northern Laboratory does not have any updates at this time.

Regarding the 30-60-90 day workload summary report, Director Marone summarized average days in the lab system for cases in several different sections and reported on progress being made on old cases. Director Marone noted that all Forensic Biology cases are included in the overall backlog number. It includes cases in special projects such as the post-conviction program, the Familial DNA program, and mitochondrial cases. The majority of cases in Forensic Biology are from 2012. Director Marone also discussed the continued efforts in the Toxicology section to reduce the number of cases in the backlog.

Director Marone provided an overview on the status of grants that the Department is anticipating receiving. Grants are becoming smaller and there are fewer grants than in the past. The majority of grants that the Department expects to receive will go to the Forensic Biology section. The grant for the Post-Conviction DNA Program has been extended to September 2012.

Linda Jackson, Chemistry Program Manager, updated the SAC on Synthetic Cannabinoids and Bath Salts. She discussed how the Department will be keeping statistics on the many different

93 substances that the labs receive for analysis. Due to state law, the Department is unable to  
94 evaluate field test kits for Synthetic Cannabinoids at this time. Ms. Jackson indicated the  
95 prohibited compounds added to the Code in 2012 legislation. The Department is ready to  
96 analyze those substances when they are submitted to the Laboratory. The Department is  
97 currently working on the how the analysis will be reported on the Certificates of Analysis.  
98

99 Dr. Almirall inquired about the use of the Gas Chromatography Mass Spectrometry instruments  
100 in the Controlled Substances Section. Ms. Jackson answered that the Department is currently  
101 using Gas Chromatography Mass Spectrometry. Dr. Almirall inquired about all of the different  
102 compounds found in Synthetic Cannabinoids and Bath Salts. Ms. Jackson and the SAC  
103 discussed how the Department was addressing the compounds and the instrumentation that will  
104 be used.  
105

106 Ms. Jackson gave an update on clandestine meth laboratory submissions to the Department. The  
107 majority of the cases have been submitted to the Western Laboratory. The Western Laboratory  
108 has a Meth Lab team, and Ms. Jackson explained the expected operation of the team. The SAC  
109 discussed the involvement of the Drug Enforcement Agency in training Virginia State Police to  
110 investigate clandestine drug labs.  
111

112 Director Marone updated the SAC on the continued effect of *Melendez-Diaz* on Department  
113 witness subpoenas. A graph compared the total number of witness subpoenas received, the total  
114 number of staff courthouse appearances, and the total number of times staff testified. Director  
115 Marone discussed the efforts being made in the DFS Toxicology Section of the Department to  
116 meet case and court demands. There will be additional staffing and instrumentation added to the  
117 Toxicology section. Linda Jackson provided an overview of the new instrumentation that is  
118 being added.  
119

120 Director Marone informed the SAC that as of July 1, 2012 the Questioned Documents section  
121 will be condensed by moving the staff from the Central Laboratory to the Western Laboratory.  
122 The Questioned Documents section will also be losing one staff member. The Department will  
123 be losing the Blood Stain section on July 1, 2012 which will result in the loss of one staff  
124 member.  
125

126 Ms. St. Clair inquired about the staff in the Controlled Substances Section and whether they will  
127 need additional training for analyzing bath salts. Ms. Jackson replied that training was being  
128 provided to the Section regarding the analysis and reporting of the newly scheduled substances.  
129 Ms. Jackson also stated that because of the limited body of published research on the effects of  
130 bath salts, Toxicologists are being conservative on what they testify. Commonwealth's  
131 Attorneys' Offices interested in prosecuting cases using the "designer" drug act have been made  
132 aware of the issue Toxicologists face insofar as to what they are able to testify.  
133

134 Chief Deputy Director, Gail Jaspen, updated the SAC on the progress of the Post-Conviction  
135 DNA Program. Ms. Jaspen gave a summary of the program from its start in 2005 to the present.  
136 The Department will be focusing on alerting local law enforcement and the Commonwealth's  
137 attorneys about the 134 need knowns cases in the program. The Department will be able to

complete those 134 cases if given a known sample. Ms. Jaspen summarized the suspect notification process and the use of volunteers to help locate suspects.

Ms. Jaspen also updated the SAC on the 2012 General Assembly Session and its impact on the Department. She presented the list of compounds added to the Synthetic Cannabinoids/Bath Salts legislation. Ms. Jaspen then presented an explanation of the budget language that will require the Department to provide certain records pertaining to the Post-Conviction DNA Testing Program in response to specific Freedom of Information Act (FOIA) requests.

Ms. Given called for a 10 minute recess at 10:25 a.m.

Ms. Given reconvened the meeting at 10:35 a.m.

### **Old Business**

Brad Jenkins, Biology Program Manager, gave an update to the Committee on Population Statistical Calculations. Due to revised Scientific Working Group on DNA Analysis Methods (SWGDM) guidelines that were released in October 2011, the Forensic Biology section has taken steps to ensure the Department meets these guidelines. The first step was to establish a contract with CyberGenetics (CG) to perform population statistical calculations.. To date, CG has issued 72 reports for the Department and testified five times. The second step was to purchase "TrueAllele" software, which was done in January 2012. The validation process was started immediately, and four staff members have completed two of three phases of training. The third step will be the evaluation of "Armed Expert," and ensure it will satisfy the needs of the Department. Validation is being conducted on Armed Expert software. The final step will be the validation review by the SAC for the October 2012 meeting. When the data becomes available on Population Statistical Calculations, Mr. Jenkins will provide it to the SAC's Forensic Biology subcommittee.

Mr. Marone moved that the SAC accept Mr. Jenkin's proposal to have the Forensic Biology subcommittee review the new validation materials and present a report at the next SAC meeting on October 9, 2012, which was seconded by Ms. St. Clair and adopted by unanimous vote of the Committee.

Dr. Butler inquired about how much of the validation work has been currently completed. Mr. Jenkins explained what had been completed and that manuals have been put into place. Mr. Jenkins assured the subcommittee that they will be given materials with sufficient time for review. If the subcommittee wishes to meet before the next SAC meeting, a date and time to do so can be set.

Mr. Jenkins concluded with an update on Familial DNA searching. The Department has been conducting Familial DNA searching for approximately one year. Mr. Sobieralski and Dr. Plans, the SAC's two newest members, have both reviewed the Familial DNA program. Mr. Jenkins gave a brief overview of the definition of Familial DNA, how it is conducted, the screening process, and what the Department does with the information. Currently the Department is

conducting its sixth search. The Department does not comment on results and/or successes. There was discussion on how Familial DNA is being used with CODIS and NDIS.

### **New Business**

Ann Davis, Special Projects Consultant, gave a slide presentation on the Firearms and Toolmarks section. She provided an overview on the procedures manual and the examiners' training. Ms. Davis indicated the sections that were modified as a result of the SAC review. Ms. Davis' presentation included an overview of proficiency testing, report formatting, manuals, instrumentation, and the NIBIN system. There was discussion about the training program and blind verifications.

Ms. Given announced that Dr. Dale Carpenter has submitted his letter of resignation and will no longer be able to sit as a member of the Scientific Advisory Committee. Ms. Given appointed Ms. St. Clair to Dr. Carpenter's seat for the Forensic Science Board meeting on Wednesday, May 9, 2012.

Dr. Almirall inquired about the SAC reviewing the Trace Evidence Section's manual. Dr. Barron explained that the manual is undergoing a comprehensive review. Components of the manual can be supplied to the SAC for Trace Evidence as they are completed. Ms. St. Clair moved to establish a subcommittee to review the Trace Evidence manual and to present a preliminary report to the SAC at the October 9, 2012 meeting, which was seconded by Mr. Marone and adopted by unanimous vote of the Committee. Dr. Almirall and Ms. Given will sit on the Trace Evidence subcommittee and work with other members as needed.

### **Annual Election of Committee Chair and Vice Chair**

Ms. Given, whose term is expiring, called for the annual election of the Committee Chair and Vice Chair. Ms. Given asked for nominations for Chair of the Committee, and Mr. Meyers moved that Ms. St. Clair be appointed as Chair. The nomination was seconded by Dr. Poklis and passed by unanimous vote of the Committee. Ms. Givens asked for nominations for Vice Chair. Dr. Poklis nominated Mr. Price to the Vice Chair position. The nomination was seconded by Ms. St. Clair and passed by unanimous vote of the Committee.

### **Public Comment**

None

### **Next Meeting**

The next meeting of the Scientific Advisory Committee will be Tuesday, October 9, 2012.

### **Adjournment**

227 Chairman Given asked if there was a motion to adjourn. Dr. Poklis moved that the meeting of  
228 the Committee be adjourned, which was seconded by Mr. Marone and passed by unanimous  
229 vote.

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231 The meeting adjourned at 12:00 p.m.

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